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O P 242013Z FEB 10
FM SECSTATE WASHDC
TO RUEHZP/AMEMBASSY PANAMA IMMEDIATE 0000
INFO RUEKJCS/SECDEF WASHINGTON DC PRIORITY
RHMFISS/JOINT STAFF WASHINGTON DC PRIORITY
RHMFISS/CDR USSOUTHCOM MIAMI FL PRIORITY

UNCLAS STATE 017168

SIPDIS

E.O. 12958: N/A

TAGS: [KTIA](#) [MARR](#) [MOPS](#) [PM](#) [PREL](#) [US](#)

SUBJECT: AGREEMENT WITH PANAMA ON STATUS OF FORCES FOR A
NEW HORIZONS EXERCISE FROM MAY 1, 2010, TO OCTOBER 17,
[1](#)2010.

REF: STATE 049307 (2006)

[1](#)1. (U) THIS IS AN ACTION REQUEST. SEE PARAGRAPHS 2, 5, and
[1](#)6.

[1](#)2. (U) DOD HAS ASKED THE DEPARTMENT TO SECURE STATUS
PROTECTIONS FOR U.S. MILITARY PERSONNEL WHO WILL BE PRESENT
IN PANAMA FROM MAY 1, 2010, TO OCTOBER 17, 2010, IN
CONJUNCTION WITH A NEW HORIZONS EXERCISE. POST IS REQUESTED
IMMEDIATELY TO PROPOSE TO THE GOVERNMENT OF PANAMA AN
EXCHANGE OF DIPLOMATIC NOTES FOR THIS PURPOSE, USING THE TEXT
AT PARAGRAPH 3. TO AVOID THE EXCHANGE OF MULTIPLE NOTES,
POST SHOULD PRESENT THE BELOW NOTE IN A DRAFT FORMAT AND SEND
A FINAL NOTE ONLY AFTER REACHING AGREEMENT ON THE TEXT.
(COMMENT: WITH THE EXCEPTION OF THE ACTIVITY, THE TEXT IS
SUBSTANTIALLY SIMILAR TO THAT IN REFTEL.)

[1](#)3. (U) BEGIN TEXT OF DRAFT NOTE: (COMPLIMENTARY OPENING) AND
HAS THE HONOR TO REFER TO RECENT DISCUSSIONS BETWEEN
REPRESENTATIVES OF THE TWO GOVERNMENTS REGARDING THE STATUS
OF UNITED STATES PERSONNEL, AS DEFINED IN THE EMBASSY,S NOTE
NO. 834, DATED JULY 3, 2001, AND THE MINISTRY,S NOTE NO. DM
0301/2001, DATED JULY 10, 2001, WHO MAY BE TEMPORARILY
PRESENT IN PANAMA IN CONJUNCTION WITH A NEW HORIZONS EXERCISE
FROM MAY 1, 2010, TO OCTOBER 17, 2010. THE NUMBER OF UNITED
STATES PERSONNEL PARTICIPATING IN THIS NEW HORIZONS EXERCISE
WILL TOTAL APPROXIMATELY 250 OFFICIALS, WHO WILL BE IN
UNIFORM AND WILL CARRY WEAPONS AS AUTHORIZED. THE PURPOSE OF
THE VISIT IS TO CONDUCT A JOINT AND COMBINED ENGINEER,
MEDICAL, AND COMBAT SUPPORT FIELD TRAINING EXERCISE IN AN
AUSTERE ENVIRONMENT. THE PANAMANIAN COUNTERPART IS ALEJANDRO
GARUZ, VICE-MINISTER, PUBLIC SECURITY.

(U) THE EXERCISE WILL TAKE PLACE AT DARIEN PROVINCE, HERRERA
PROVINCE, CHIRIGUI PROVINCE, VERAGUAS PROVINCE, AND OTHER
OFFICE OF DEFENSE COOPERATION, PANAMA-APPROVED LOCATIONS.

(U) AS A RESULT OF THESE DISCUSSIONS, THE EMBASSY PROPOSES
THAT SUCH PERSONNEL SHALL BE ACCORDED A STATUS EQUIVALENT TO
THAT ACCORDED TO THE ADMINISTRATIVE AND TECHNICAL STAFF OF
THE EMBASSY OF THE UNITED STATES OF AMERICA UNDER THE VIENNA
CONVENTION ON DIPLOMATIC RELATIONS OF APRIL 18, 1961 (VIENNA
CONVENTION). THE UNDERSTANDINGS CONTAINED IN THE EMBASSY,S
NOTE NO. 835 DATED JULY 3, 2001, AND THE MINISTRY,S REPLY IN
NOTE NO. DM 0300/2001 DATED JULY 10, 2001, SHALL APPLY.

(U) UNITED STATES PERSONNEL SHALL BE PERMITTED TO ENTER AND
EXIT PANAMA WITH UNITED STATES IDENTIFICATION AND WITH
COLLECTIVE MOVEMENT OR INDIVIDUAL TRAVEL ORDERS, IN
ACCORDANCE WITH AN AGREEMENT ON NON-IMMIGRANT VISAS BETWEEN
THE UNITED STATES AND PANAMA, WHICH HAS BEEN IN FORCE SINCE
JUNE 1, 1956, AS AMENDED, EXCEPT THAT THE GOVERNMENT OF
PANAMA SHALL WAIVE THE REQUIREMENT FOR TOURIST CARDS AND
RELATED FEES. PANAMANIAN AUTHORITIES SHALL ACCEPT AS VALID
DRIVING LICENSES OR PERMITS ISSUED BY THE APPROPRIATE U.S.
AUTHORITIES TO UNITED STATES PERSONNEL FOR OPERATION OF

VEHICLES; AND SUCH PERSONNEL SHALL BE AUTHORIZED TO WEAR U.S. GOVERNMENT ATTIRE (UNIFORMS) AND TO CARRY AUTHORIZED EQUIPMENT WHEN REQUIRED FOR THEIR MISSION WHILE PERFORMING OFFICIAL DUTIES.

(U) THE EMBASSY OF THE UNITED STATES FURTHER PROPOSES THAT THE GOVERNMENT OF PANAMA ACCORD DUTY-FREE IMPORTATION AND EXPORTATION, AS WELL AS EXEMPTION FROM INSPECTION AND TAXATION, OF PRODUCTS, PROPERTY, MATERIEL, AND EQUIPMENT IMPORTED INTO, ACQUIRED IN, OR EXPORTED FROM PANAMA BY OR ON BEHALF OF THE U.S. GOVERNMENT OR ITS PERSONNEL IN CONNECTION WITH THEIR MISSION IN PANAMA, EXCEPT THAT UNITED STATES PERSONNEL SHALL NOT BE EXEMPT FROM PANAMANIAN TAXES ON ITEMS PURCHASED IN PANAMA FOR THEIR PERSONAL USE.

(U) THE TWO GOVERNMENTS SHALL COOPERATE IN TAKING THE NECESSARY STEPS TO ENSURE THE SECURITY OF UNITED STATES PERSONNEL AND PROPERTY IN PANAMA.

(U) VESSELS AND AIRCRAFT OWNED OR OPERATED BY OR FOR UNITED STATES ARMED FORCES SHALL NOT BE SUBJECT TO PAYMENT OF LANDING OR PORT FEES, PILOTAGE CHARGES, NAVIGATION, OVERFLIGHT OR PARKING CHARGES, OR LIGHTERAGE OR HARBOR DUES WHILE IN PANAMA, EXCEPT FOR THE CHARGES RELATED TO THE NORMAL TRANSIT OF THE PANAMA CANAL PREVIOUSLY AGREED TO; THE UNITED STATES ARMED FORCES SHALL PAY REASONABLE CHARGES FOR SERVICES REQUESTED AND RECEIVED.

(U) IT SHALL BE THE RESPONSIBILITY OF UNITED STATES PERSONNEL TO RESPECT THE LAWS OF PANAMA AND TO ABSTAIN FROM ANY ACTIVITY INCONSISTENT WITH THE SPIRIT OF THEIR MISSION. AUTHORITIES OF THE GOVERNMENT OF THE UNITED STATES OF AMERICA SHALL TAKE THE NECESSARY STEPS TO THAT END.

(U) APPROPRIATE PANAMANIAN AND U.S. MILITARY OR CIVILIAN POLICE AUTHORITIES SHALL COOPERATE IN THE INVESTIGATION OF ANY CRIME BELIEVED TO HAVE BEEN COMMITTED BY OR AGAINST UNITED STATES PERSONNEL.

(U) THE GOVERNMENT OF PANAMA SHALL ACCEPT FULL RESPONSIBILITY FOR, AND SHALL HOLD THE UNITED STATES GOVERNMENT HARMLESS FROM, ANY AND ALL CLAIMS ARISING FROM THE USE OF PROJECTS CONSTRUCTED, OR IN THE PROCESS OF BEING CONSTRUCTED IN WHOLE OR IN PART, BY UNITED STATES PERSONNEL IN CONNECTION WITH THEIR MISSION IN PANAMA.

(U) FINALLY, BOTH GOVERNMENTS SHALL WAIVE ANY AND ALL CLAIMS (OTHER THAN CONTRACTUAL CLAIMS) AGAINST EACH OTHER FOR PERSONAL INJURY TO OR DEATH OF THEIR MILITARY OR CIVILIAN PERSONNEL, OR FOR DAMAGE, LOSS, OR DESTRUCTION OF THE OTHER'S PROPERTY ARISING OUT OF ACTIVITIES COVERED BY THIS AGREEMENT. THE UNITED STATES SHALL PAY, IN ACCORDANCE WITH UNITED STATES LAW, FAIR AND REASONABLE COMPENSATION IN SETTLEMENT OF MERITORIOUS CLAIMS BY THIRD PARTIES ARISING OUT OF ACTS OR OMISSIONS OF UNITED STATES PERSONNEL, OR WHICH ARE OTHERWISE INCIDENT TO AGREED ACTIVITIES BY UNITED STATES PERSONNEL IN CONNECTION WITH THEIR MISSION IN PANAMA.

(U) ADDITIONAL ARRANGEMENTS AS MAY BE NECESSARY MAY BE ENTERED INTO BY THE APPROPRIATE AUTHORITIES OF THE TWO GOVERNMENTS.

(U) THE EMBASSY OF THE UNITED STATES OF AMERICA PROPOSES THAT THIS NOTE AND THE MINISTRY'S REPLY THERETO SHALL CONSTITUTE AN AGREEMENT BETWEEN THE TWO GOVERNMENTS ON THIS SUBJECT AND THAT ITS PROVISIONS SHALL BE IN FORCE AS OF THE DATE OF THE MINISTRY'S REPLY. (COMPLIMENTARY CLOSING.) END TEXT.

14. (U) THE SUGGESTED REPLY OF THE GOVERNMENT OF PANAMA SHOULD READ AS FOLLOWS: BEGIN TEXT: (COMPLIMENTARY OPENING) AND REFERS TO THE EMBASSY'S NOTE (NUMBER AND DATE) WHICH READS AS FOLLOWS:

(QUOTE U.S. NOTE IN ITS ENTIRETY).

THE MINISTRY OF FOREIGN RELATIONS HAS THE FURTHER HONOR TO INFORM THE EMBASSY OF THE UNITED STATES OF AMERICA THAT THE PROPOSALS SET FORTH IN THE EMBASSY'S NOTE ARE ACCEPTABLE TO

THE GOVERNMENT OF PANAMA AND TO CONFIRM THAT THE EMBASSY,S
NOTE AND THIS NOTE SHALL CONSTITUTE AN AGREEMENT BETWEEN THE
TWO GOVERNMENTS, WHICH SHALL ENTER INTO FORCE ON THIS DATE.
END TEXT.

15. (U) ANY HOST COUNTRY PROPOSAL FOR CHANGES TO THE U.S.
TEXT SHOULD BE REFERRED TO THE DEPARTMENT. STATE POCS ARE
MARSHA L. SINGER, WHA/CEN, 202-647-3505, OR CDR MARC GUARIN,
L/PM, 202-647-7563. THE DEPARTMENT OF DEFENSE POCS ARE
VANESSA MITCHELL, 703-697-3190, AND WALTER EARLE, OSD/WHA,
703-697-3327.

16. (U) UPON CONCLUSION OF THE EXCHANGE OF NOTES, EMBASSY
SHOULD REPORT THE AGREEMENT BY CABLE, AND SEND THE ORIGINAL
HOST COUNTRY NOTE WITH A CERTIFIED COPY OF THE U.S. NOTE TO
THE DEPARTMENT, L/T, ROOM 5420 (ATTN:DAPHNE COOK).
CLINTON